

ENTERED

September 21, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CRISTIAN GARCIA NAVARRETE,

Petitioner,

VS.

WARDEN CARTER,

Respondent.

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CIVIL ACTION NO. 2:23-CV-00176

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION


On August 21, 2023, United States Magistrate Judge Jason B. Libby issued his “Memorandum and Recommendation” (M&R, D.E. 6), recommending that this Court dismiss Petitioner’s habeas corpus action. Petitioner was provided proper notice of, and opportunity to object to, the Magistrate Judge’s M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s M&R. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s M&R (D.E. 6), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Petitioner’s cause of action is not characterized as a

motion to vacate or set aside his sentence brought pursuant to 28 U.S.C. § 2255 given current Fifth Circuit precedent and Petitioner's 28 U.S.C. § 2241 petition (D.E. 1) is **DISMISSED**.

ORDERED on September 21, 2023.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE